

# Volunteers

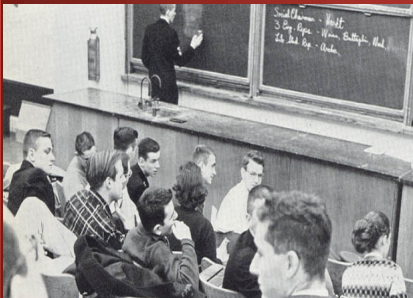
Where do they fit in?

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Where would you rather volunteer?

■ A.



B.



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## Volunteers? What about these guys?



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## A volunteer is

- A person who performs or offers to perform a service voluntarily
- A person who renders aid, performs a service, or assumes an obligation voluntarily.

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## Volunteer Government Workers Act

§ 67-20-2(3)(a)

*"Volunteer"* means any person who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the supervising agency.

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## Is a "volunteer" an "employee" ?

- § 63-30d-102(2)(a)(ix)  
Governmental Immunity Act

*"employee" includes:*

*volunteers as defined by Subsection 67-20-2(3)*

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## Volunteer Issues

- Liability
- Injury – Workers' Compensation
- Status – employee?
- Background checks
- Authority
- Conduct

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## Utah Statutes

- §§ 67-20-1 to 67-20-8 Volunteer Government Workers Act
- §§ 63-30b-1 to 63-30b-4 Immunity for Persons Performing Volunteer Service
- § 63-30d-102(2) Governmental Immunity Act

*See handout for other Utah statutes relating to volunteers.*

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## Federal Statute

- 42 U.S.C.A. § 14502 Federal statute preempts state law
- 42 U.S.C.A. § 14503 Limitation on liability for volunteers
- 42 U.S.C.A. § 14505 "Volunteer" defined

*See handout for text of federal statutes.*

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## Utah Case Law

- **Board of Education of Alpine School District v Olsen**  
684 P. 2d 49 (UT 1984)

Carpenter acting as volunteer in high school woodworking class was not eligible for Workers' Compensation.

**Issues:** Was claimant an employee or volunteer for purposes of Workers' Compensation?

If a volunteer, was he entitled to Workers' Compensation?

**Held:** For a volunteer to be eligible for Workers' Compensation, a statute must specifically so provide. In 1984, none did. Changed in 1986.

See § 67-20-2(1)

Claimant was not an employee as defined by § 35-1-43 (now 34A-2-104) Rejected claim of implied employment contract.

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# Utah Case Law

- **Gourdin v SCERA**, 845 P. 2d 242 (UT 1992)

7 year old boy brought negligence action against his father's employer (SCERA) for injuries incurred while mowing.

**Issue:** Did claimant qualify as an employee under Workers' Comp. (as argued by SCERA)?  
If so, his negligence action would be barred and Workers' Comp. Would be exclusive remedy.

Do factual inferences from evidence meet legal definition of "employee" under Workers' Comp. Act?

**Held:** Volunteers not covered by Workers' Comp. without specific statutory authorization. Determination under *Olsen* and statute is factual matter for jury.

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# Policies

- **County Personnel Policy**

- ↳ County wide application - consistency
- ↳ Details – purpose, status, job description
- ↳ Background checks
- ↳ Records
- ↳ Workers' Compensation issues
- ↳ Claims
- ↳ Guidelines for Departments

- **Departmental Policies and Procedure**

- ↳ Applications, testing, selection, functions
- ↳ Important to follow

- **Code of Conduct**

- ↳ Volunteers agree to comply

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# Forms

⇒ Develop and utilize forms

⇒ Such as

- Application
- Background checks waiver
- Volunteer agreement
- Program description
- Volunteer guides or manuals
- Reference checks

13

13

# Resources

- Police Volunteers

<http://www.policevolunteers.org/resources/index.cdf>

- International Association of Police Chiefs

[http://www.theiapc.org/documents/pdfs/Publications/Volunteer\\_policy.pdf](http://www.theiapc.org/documents/pdfs/Publications/Volunteer_policy.pdf)

14

14

# Risk Management

- Policy
- Training
- Supervision
- Records

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**UCIP, a gracious host, gives you your choice of where to have lunch today**

■ A.



■ B.



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